

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:11-cr-00010-MR-DLH**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES W. "BILL" BAILEY, JR.,

Defendant.

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ORDER

THIS MATTER is before the Court for confirmation of the Consent Order and Judgment of Forfeiture, as amended, as the Final Order of Forfeiture in this case.

The Court entered a preliminary Consent Order and Judgment of Forfeiture in this matter on February 16, 2011. [Doc. 16]. This Consent Order and Judgment of Forfeiture was subsequently amended by the following Orders:

- (1) Order entered April 8, 2011 regarding the Petitions filed by the Sage Petitioners [Doc. 164] (vacated in part by the Order [Doc. 306] entered November 10, 2011);

- (2) Consent Order entered May 2, 2011 granting the Petition on behalf of Branch Bank and Trust Company contesting the forfeiture of the 2010 Fleetwood Mobile Home [Doc. 189];
- (3) Order entered June 10, 2011 dismissing certain LLCs from the Consent Order and Judgment of Forfeiture [Doc. 229];
- (4) Consent Order entered June 10, 2011 regarding Petition of John R. Richardson and John R. Richardson Real Estate IRA, LLC [Doc. 231];
- (5) Order entered June 30, 2011 dismissing the real property at 2440 Pleasant Dale Road, Norcross, Georgia from the Consent Order and Judgment of Forfeiture [Doc. 235];
- (6) Consent Order entered July 1, 2011 regarding the Petition of Michael H. Hinman and Letha S. Hinman [Doc. 236];
- (7) Consent Order entered July 8, 2011 regarding the Petition of Kimberly D. Martin and Kimberly D. Martin Real Estate IRA, LLC [Doc. 237];
- (8) Consent Order entered August 3, 2011 regarding the Petition of Suntrust Banks, Inc. [Doc. 244];
- (9) Consent Order entered August 4, 2011 regarding the Petition of James N. St. Clair, Sr. [Doc. 245];

- (10) Order entered August 10, 2011 removing “any and all interest in the Monroe Circle Real Estate Revocable Trust” from the Consent Order and Judgment of Forfeiture [Doc. 251];
- (11) Order entered August 10, 2011 regarding the Petitions of James W. and Marilyn F. Carter and William Ellis Peacock and Penny Peacock [Doc. 252];
- (12) Consent Order entered August 25, 2011 regarding the Petition of HomeTrust Bank [Doc. 269];
- (13) Consent Order entered August 25, 2011 regarding the Petition of HomeTrust Bank [Doc. 270];
- (14) Consent Order entered February 6, 2012 regarding the Petition of Hugh Duncan Dorris, Jr., M.D. and HDD Real Estate IRA, LLC [Doc. 328];
- (15) Consent Order entered February 6, 2012 regarding the removal of the 2008 Mercedes Benz identified in the Consent Order and Judgment of Forfeiture [Doc. 329];
- (16) Order entered February 22, 2012 regarding the Petitions filed by the Sage Petitioners [Doc. 331];

- (17) Order entered March 8, 2012 dismissing the real property at Soap Stone Ridge Road, Bakersville, North Carolina, from the Consent Order and Judgment of Forfeiture [Doc. 339];
- (18) Consent Order entered July 31, 2012 regarding the Petition of Susann M. Eddy [Doc. 572];
- (19) Consent Order entered January 30, 2013 regarding the Petition of Macon Bank [Doc. 590];
- (20) Consent Order entered February 12, 2013 regarding the Petition of First Bank [Doc. 592];
- (21) Order entered February 25, 2013 regarding the Petitions of the IRA Petitioners [Doc. 598]; and
- (22) Order entered February 25, 2013 regarding Petitioner Dirk K. Pieper's Motion for Reconsideration [Doc. 602].

For the reasons stated in the previous Orders amending the Consent Order and Judgment of Forfeiture, the Court concludes that the following assets also should be removed from Section VI of the Consent Order and Judgment of Forfeiture, without prejudice to the Government seeking civil forfeiture of the same:

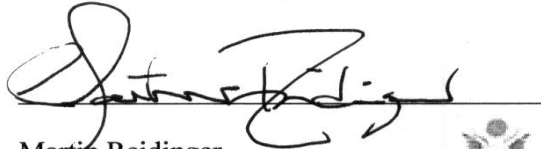
- k The real property at 718 East 24th St., Hialeah, Florida, more particularly described in Folio Number 04-3108-001-1200 in the Miami-Dade County Register of Deeds;
- n The real property known as 38.10 acres on Cheeks Quarter Road, Hayesville, North Carolina, more particularly described in Deed Book 1673, Page 260 in the Franklin County Register of Deeds;
- o The real property known as 11.79 acres on Rocky Fork Road, Franklin County, North Carolina, more particularly described in Deed Book 1673, Page 539 in the Franklin County Register of Deeds;
- v The real property at 200 S. Shamrock Avenue, Landrum, South Carolina, more particularly described in Deed Book 91J, Page 747 in the Spartanburg County Register of Deeds;
- ff Any and all interest in Ten Twelve, LLC;
- oo The real property at 7657 Johns Creek Road, New Castle, Virginia;
- rr The real property at 710 Three River Road, Carrabelle, Florida, more particularly described as Instrument No. 200919002776 in the Franklin County Register of Deeds; and
- yy Any and all bonds, including but not limited to Honeywell International Global Bonds and GE Capital Global Bonds.

Having concluded all of the ancillary proceedings, **IT IS, THEREFORE, ORDERED** that the Court hereby confirms the Consent Order and Judgment of Forfeiture previously entered in this matter, as

amended previously and herein, as the Final Order of Forfeiture in this case.

IT IS SO ORDERED.

Signed: February 25, 2013


Martin Reidinger
United States District Judge

